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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,426	04/29/2005	Ulrich Maurer	05-313	9483
34704 7590 04/08/2008 BACHMAN & LAPOINTE, P.C. 900 CHAPEL STREET SUITE 1201 NEW HAVEN, CT 06510				
EXAMINER PELHAM, JOSEPH MOORE				
ART UNIT		PAPER NUMBER		
3742				
MAIL DATE		DELIVERY MODE		
04/08/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/533,426

Applicant(s)

MAURER, ULRICH

Examiner

Joseph M. Pelham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

Claim Rejections - 35 USC § 103

Claims 10-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. 4487140 in view of US Pat. 2690857.

US'140 discloses a device for feeding a fryer which controls the feeding by means of the weight of the bulk food sent to the fryer.

US'140 does not disclose a housing with a tubular, stationary storage container accommodated in the housing, a rotatable feed wheel with a ribbed cone working in conjunction with the storage container at one end thereof to form an annular gap with the storage container, which gap is vertically adjustable, the housing with a feed wheel and cone therein defining an annular space in which pushing elements of the feed wheel pass over a discharge opening in the floor of the housing, rotatably movable by means of a shaft, whereby the duration of the rotation is determined by scales located in the feed pipe between the feed device and the deep fryer.

Referring to the Figs. and col. 2, line 11, through col. 3, line 35, US'857 discloses the feeding device virtually exactly as claimed, including a housing 18 with a tubular, stationary storage container 10, 42 accommodated in the housing, a rotatable feed wheel 12 with a ribbed cone 14 working in conjunction with the storage container at one end thereof to form an annular gap with the storage container, which gap has vertical adjustment means 44, 48, 50, the housing 18 with the feed wheel 12 therein defines an annular space 16 in which pushing elements 32 of the feed wheel pass over a discharge opening 26 in the floor 20 of the housing, rotatably movable by means of a

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shaft, whereby the duration of the rotation is determined by scales 35 located in the feed means between the feed device and the destination of the food item,.

While US'857 does not explicitly disclose the storage container adjustment means to be "three excentrics" or a cooling device for the housing, this does not patentably distinguish the claimed invention from the prior art. It would have been obvious to use such adjustment means since they have long been conventional securing means for such telescoping adjustable members, and to utilize cooling since it too is conventional and ordinarily necessary to preserve the freshness of the food items in the storage container.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph M. Pelham whose telephone number is 571-272-4786. The examiner can normally be reached on M-F 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph M Pelham/
Primary Examiner, Art Unit 3742
3/331/08